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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,105	01/11/2005	Akiko Yuasa	MAT-8647US	7061

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EXAMINER	
HANSEN, JAMES ORVILLE	
ART UNIT	**PAPER NUMBER**
3637	
MAIL DATE	**DELIVERY MODE**
09/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/521,105	YUASA, AKIKO	
	Examiner	Art Unit	
	James O. Hansen	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12-16 and 18-22* is/are pending in the application.

4a) Of the above claim(s) *12-15 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *16,18,19,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 1, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16, 18, 19, 21 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto [U.S. Patent No. 5,989,371] in view of Embutsu et al., [U.S. Patent No. 5,699,525] and further in view of Sullivan et al., [U.S. Patent No. 5,992,742]. Nishimoto (figures 1-11) teaches of a refrigerator (fig. 8) containing thermal insulation material (figs. 1 & 7 e.g.,) that is formed of vacuum insulation material having inorganic material ((5) - see col. 3, lines 60-67 & col. 7, lines 1-6) as a core material and of rigid urethane foam (6). Nishimoto teaches applicant's inventive claimed structure as disclosed above, but does not further include a discriminating means associated with the refrigerator as prescribed by applicant. Embutsu (figures 1-8) is cited as an evidence reference to show that it was known in the art to utilize a

discriminating means in association with an appliance, such as a refrigerator. Embutsu teaches of a discriminating means (col. 6, lines 16-33) in the form of an optically readable identification code label that is placed on a home appliance wherein the label allows a bar code reader the ability to accurately assess information directly related to the appliance and to distinguish the appliance as a recycling-promoting appliance. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a discriminating means to the refrigerator of Nishimoto in view of the teachings as set forth in Embutsu because this arrangement would enable a more prudent means for disposal of a discarded home appliance that is environmentally friendly since the addition of a bar code label on the appliance allows the appliance to be scanned so as to obtain information related to the appliance i.e., kind or type, so as to determine the proper method of recycling the appliance. Sullivan is cited as further evidence that it was known in the machine readable code art to place a bar code (col. 4) onto an item (pill in this example) for the purpose of scanning the code in order **to identify the contents of the item**. This is useful for verifying information within the item. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined prior art so as to provide the means {a mosaic code} by which a scanner {appropriate scanner capable of deciphering the patterns on the code} can read the code as taught by Sullivan because this arrangement would provide the prior art device with the ability to have the code that is applied to the appliance scanned in order to verify information about the contents contained within the appliance. This information may be varied depending upon the needs or preferences of the user. As to the placement of

the code, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the location in which the code is attached to the appliance, since it has been held that rearranging / relocating parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Additionally, since the placement of the code relative to the device is not functionally related in a new or unobvious way to the device itself, the location of the code will not distinguish the invention from the prior art in terms of patentability.

3. Claims 16, 18, 19, 21 & 22 are rejected under 35 U.S.C. 103(a) as being obvious over Nishimoto and Uekado et al., [U.S. Publication 2001/0036976] in view of each other, and further in view of Sullivan et al., [U.S. Patent No. 5,992,742]. The applied reference [Uekado] has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Nishimoto (figures 1-11) teaches of a refrigerator (fig. 8) containing thermal insulation material (figs. 1 & 7 e.g.,) that is formed of vacuum insulation material having inorganic material ((5) - see col. 3, lines 60-67 & col. 7, lines 1-6) as a core material and of rigid urethane foam (6). Nishimoto teaches applicant's inventive claimed structure as disclosed above, but does not further include a discriminating means associated with the refrigerator as prescribed by applicant. Uekado is cited to show that it was known in the art to utilize a discriminating means in association with an appliance, such as a refrigerator. Uekado teaches of a discriminating means in the form of display labels that are placed on the refrigerator to indicate information directly related to the appliance such as the materials of the rigid foam. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a discriminating means to the refrigerator of Nishimoto in view of the teachings as set forth in Uekado because this arrangement would enable a more prudent means for disposal of a discarded home appliance that is environmentally friendly since the addition of a label on the appliance allows the appliance to be scanned so as to obtain information related to the appliance, such as the materials of the insulation used in the appliance, so as to determine the proper method of recycling the appliance. Sullivan is cited as further evidence that it was known in the machine readable code art to place a bar code (col. 4) onto an item (pill in this example) for the purpose of scanning the code in order **to identify the contents of the item**. This is useful for verifying information within the item. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined prior art so as to provide the means {a mosaic code} by which a scanner {appropriate

scanner capable of deciphering the patterns on the code} can read the code as taught by Sullivan because this arrangement would provide the prior art device with the ability to have the code that is applied to the appliance scanned in order to verify information about the contents contained within the appliance. This information may be varied depending upon the needs or preferences of the user. As to the placement of the code, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the location in which the code is attached to the appliance, since it has been held that rearranging / relocating parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Additionally, since the placement of the code relative to the device is not functionally related in a new or unobvious way to the device itself, the location of the code will not distinguish the invention from the prior art in terms of patentability.

Uekado (figures 1-19) teaches of a refrigerator (fig. 9 e.g.,) containing thermal insulation material (fig. 3 e.g.,) that is formed of vacuum insulation material having rigid urethane foam as a core material, and a discriminating means (18 e.g.,) for recording information about the contents of the refrigerator. Uekado teaches applicant's inventive claimed structure as disclosed above, but does not show the insulation material as having both a rigid urethane foam and an inorganic material. Nishimoto teaches the use of an insulation material having inorganic material ((5) - see col. 3, lines 60-67 & col. 7, lines 1-6) as a core material and of rigid urethane foam (6). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the insulation material of Uekado so as to incorporate an inorganic material along with the urethane foam as taught by Nishimoto because this arrangement would provide the appliance of

Uekado with an insulation material that has an enhanced ability to reflect heat due to the addition of the inorganic filler. Sullivan is cited as further evidence that it was known in the machine readable code art to place a bar code (col. 4) onto an item (pill in this example) for the purpose of scanning the code in order **to identify the contents of the item**. This is useful for verifying information within the item. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined prior art so as to provide the means {a mosaic code} by which a scanner {appropriate scanner capable of deciphering the patterns on the code} can read the code as taught by Sullivan because this arrangement would provide the prior art device with the ability to have the code that is applied to the appliance scanned in order to verify information about the contents contained within the appliance. This information may be varied depending upon the needs or preferences of the user. As to the placement of the code, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the location in which the code is attached to the appliance, since it has been held that rearranging / relocating parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Additionally, since the placement of the code relative to the device is not functionally related in a new or unobvious way to the device itself, the location of the code will not distinguish the invention from the prior art in terms of patentability.

Response to Arguments

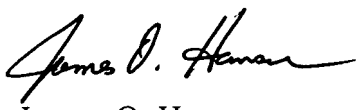
4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
August 31, 2007